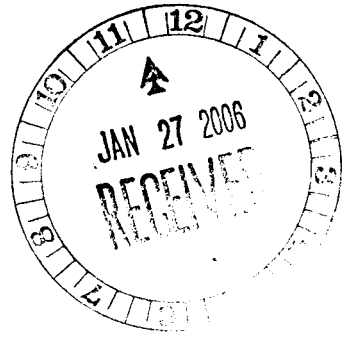


# BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS  
2401 PENNSYLVANIA AVENUE, NW  
SUITE 300  
WASHINGTON, DC 20037  
TELEPHONE: (202) 663-7820  
FACSIMILE: (202) 663-7849



William A. Mullins

Direct Dial: (202) 663-7823  
E-Mail: [wmullins@bakerandmiller.com](mailto:wmullins@bakerandmiller.com)

January 27, 2006

## VIA HAND DELIVERY

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

Per  
Public Record

Re: STB Docket No. AB-1066X *215672*  
*Central Illinois Railroad Company – Discontinuance Of Service Exemption – In*  
*Peoria County, IL*

STB Docket No. AB-878 *215671*  
*City Of Peoria and The Village of Peoria Heights, IL – Adverse*  
*Discontinuance—Pioneer Industrial Railway Company*

Dear Secretary Williams:

Pioneer Industrial Railway Co. ("PIRY") writes to clarify two points made in the above proceedings. In STB Docket No. AB-1066X, in a letter dated January 19, 2006, the attorney for the City of Peoria and Central Illinois Railroad Company ("CIRY"), Mr. Thomas McFarland, stated the following:

There was no contention in the record of the discontinuance proceeding that discontinuance should not be allowed unless and until service from the west was tested and found to be adequate. Mr. Happach states that such has been Carver Lumber's position from "several years ago," but that position was not expressed in the record of the discontinuance proceeding so that the parties could comment on it and the Board could consider it. It would not be appropriate to stay the Board's decision for an indefinite time while the adequacy of service from the west is tested.

Mr. McFarland's statement, while perhaps technically accurate with respect to statements in the AB-1066X discontinuance proceeding, is misleading. In a filing dated July 30, 2004

## **BAKER & MILLER PLLC**


January 27, 2006

Page 2

(received August 4, 2004) in Finance Docket No. 34518, Central Illinois Railroad Company – Operation Exemption (the docket whereby CIRY received authority to operate over the Kellar Branch), the General Counsel of PIRY, Mr. Dan LaKemper, submitted a copy of the operating contract between the City, CIRY and CIRY's shareholders, DOT Rail Service, Inc. That contract and the July 30th filing made clear that there was to be up to a 60-day period after the connection was built before the operating contract would expire. This 60-day period corresponds precisely to the amount of time that Carver Lumber had requested be allowed in order to test the new service from the west before the City tore up and salvaged the Kellar Branch. Thus, contrary to Mr. McFarland's comments, it was entirely appropriate for the Board to postpone the effective day of the decision granting the discontinuance authority in order to allow time for the connection to be built and to be tested and the issue was indeed part of the record before the Board.

In STB Docket No. AB-878, PIRY has petitioned to reopen the Board's August 10, 2005 decision granting the Cities' request for an adverse discontinuance on the basis that the Board's August 10th decision was premised on numerous findings that have not borne true. In its petition to reopen, PIRY noted in footnote two that Don Gibson, a CIRY vice-president at the time of the Cities' application, had been indicted in a murder-for-hire plot. Mr. Gibson has now pled guilty to a lesser felony. See attached article from the Peoria Journal Star.

Sincerely,

A handwritten signature in black ink, appearing to read 'William A. Mullins', with a long, horizontal flourish extending to the right.

William A. Mullins

Enclosures

cc: Daniel A. LaKemper, Esq.  
All Parties of Record



# Loan

Click here to help  
South Side  
Mission

NEWS SPORTS ENTERTAINMENT BUSINESS LIFESTYLES OPINION CLASSIFI

SEARCH

Google™

PJStar.com  
WWW

Search Archives:  
1991-Present

Weather  
Random Acts of  
Kindness  
America at War  
Obituary listings  
Death notices  
Illinois Lottery

NEWS

Tri-County  
Regional & State  
Nation & World  
America at War  
Christmas Fund  
Obituary Lists  
Death Notices  
Police, fire, courts  
Local Updates  
Causes for Concern  
Road Construction  
Matters of Record  
Bankruptcies  
Births  
Building Permits  
Divorces  
DUI Dispositions  
Felony Dispositions  
Marriages

COLUMNISTS

Phil Luciano  
Terry Bibb  
Statehouse Insider  
Hotline  
Word on the Street

GOVERNMENT

Illinois links  
State contacts  
Federal links  
Federal contacts

## Gibson pleads to lesser charge

Granville rail company owner avoids jury trial on murder-for-hire charge

Tuesday, January 24, 2006

[Advertisement](#)

BY ERINN DESHINSKY  
OF THE JOURNAL STAR

**OTTAWA** - A Granville businessman accused of solicitation of murder for hire pleaded guilty to a lesser charge Monday before jury selection for his trial.

Donny Gibson, 65, pleaded guilty to solicitation before LaSalle County Circuit Court Judge H. Chris Ryan. Gibson was charged in May with solicitation of murder for hire, but he pleaded to a lesser offense of solicitation for trying to hire an undercover LaSalle County sheriff's deputy to commit residential burglary.

He could receive four to 15 years in prison for the offense and must serve the full term.

Sentencing is scheduled for March 31.

Gibson, who owns DOT Rail in Granville, was arrested May 16. He is accused of trying to hire an undercover officer to kill Nicole Sigler and a business associate. Authorities say Sigler threatened to tell Gibson's wife about his attempts to start a relationship with Sigler.

Gibson was accused of offering to pay \$2,200 to have the two killed and also expressed his desire to have his wife and brother-in-law killed.

**Methodist**  
A MAGNET HOSPITAL

Click here for  
**Outstanding  
Healthcare**  
that's centered on you!

Top :

Account  
Receiva  
Billing

Manage  
Training  
Opportu

Adminis  
Assistar

OWNER  
OPERAT

Claims 1

Figl  
Dr  
Effects c  
Save

B  
Vanic  
Rol  
Sav  
Offer ex  
SUNDER

## FRONT PAGE

WEATHER

SPORTS

OPINION

BUSINESS

ENTERTAINMENT

FEATURES

NEIGHBORS

OUTDOORS

KJS

## SPECIAL SECTIONS

## CLASSIFIED

Auctions

Automotive

Employment

Farm Market

Financial

Garage Sales

Merchandise

Mortgage Market

Notices

Pets &amp; Supplies

Place an Ad

Real Estate

Recreation Vehicles

Rentals

Service Directory

## SERVICES

Contact Us

Internships

Media Kit

Meeting Place

Newspaper In

Education

Photo Reprints

Single Copy Outlets

Site Map

Submit an Ad

Subscriptions

Yellow Pages

More

## ANNOUNCEMENTS

- Anniversaries

- Births

- Engagements

- Weddings

- 100th Birthday

**Edit the Editors**

Nobody's perfect, right? Well, the Journal Star strives to be. Do you see misspelled words,

Gibson's attorneys tried without success Friday to block crucial video and audio tapes from being used in the trial.

"The highlight of our case were the tapes," said Assistant State's Attorney Brian Towne. "We worked very hard on the case. We were very comfortable with our case."

Towne said the prosecution accepted the plea, because he could never be certain of what a jury would make with the evidence. He said the plea guarantees Gibson would go to jail.

"There's certainly a peace of mind for all the witnesses in the case," Towne said. "In light of the age of the defendant, we thought this was an appropriate sentencing range."

Gibson could have received 20 to 60 years in prison if found guilty of the original charges.

Gibson's family and his defense attorney, Bruce Self, declined to comment Monday.

Erinn Deshinsky can be reached at 686-3041 or state@pjstar.com.

**Click here and receive 4 weekends of the Journal Star home delivered absolutely FREE!**

eDiet

TOI

Recon  
DI

Choose

Opra  
Bob  
Learn  
weigh  
from  
Bob

Glyce  
Impa  
Lose  
contr  
sugar  
popul

eDiet  
Loss  
Eat th  
enjoy  
person  
weigh

LOSI  
IN 5

FREE Fit